

Effective implementation of the Albemarle-Pamlico CCMP depends upon a solid consistency review process. Federal programs sponsor numerous activities throughout the A/P region (e.g., channelization, dredging, sewage treatment plant construction, and military base operations). These programs have multiple objectives that are likely to conflict with the goals and policies of the CCMP. Through the consistency review process, the Management Conference can recommend project modifications to minimize conflicts with the CCMP.

### C. NEP CONSISTENCY GUIDELINES

Section 320(b)(7) specifies that the NEP review process be conducted in accordance with the requirements of Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs," (see Appendix B). EO 12372 allows States to review Federal assistance applications and direct development plans (see Chapter 3 for a full discussion of EO 12372). The EO requirements ensure Federal cooperation with State review programs. Essentially, the EO requires the following:

- Federal agencies must notify States of proposed activities subject to EO review
- Prior to funding decisions, Federal agencies must allow State and local agencies to comment on proposed activities in a State Process Recommendation
- Federal agencies must accommodate State concerns presented in the State Process Recommendation, or explain their decision not to address State comments

Note that the EO does not obligate Federal agencies to modify or suspend projects that raise State concerns. Federal agencies have the option to "accommodate or explain." Section 320(b)(7) does not endow the Management Conference with additional authority beyond the requirements of EO 12372. Therefore, the Management Conference cannot force Federal agencies to modify inconsistent projects through the EO requirements.

Section 320(b)(7) does provide additional jurisdiction to the Management Conference. The NEP review may include all programs and projects listed in the Catalog of Federal Domestic Assistance in addition to the programs and projects subject to EO 12372.

### D. CONSISTENCY STRATEGIES

The requirements of Section 320(b)(7) can be satisfied by a number of strategies. The plans discussed in this document incorporate CCMP consistency review with existing review programs coordinated by the State Clearinghouse (Chapter 3) and the Division of Coastal Management (Chapter 4). Chapter 5 profiles the Nonpoint Source Federal Consistency Review